

# SUKENIK, SEGAL & GRAFF, P.C.

ATTORNEYS AND COUNSELORS AT LAW

450 SEVENTH AVENUE, 42ND FLOOR  
NEW YORK, N.Y. 10123

212-725-9300 PHONE  
212-481-5520 FAX

September 8, 2016

**BY ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2102  
New York, NY 10007

USDC SDNY  
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DATE FILED: **SEP 09 2016**

Re: *CF 135 Flat LLC, CF 135 West Member LLC, and The Chetrit Group, LLC. v. Triadou SPV S.A. and City of Almaty, a foreign city*  
Docket No: 15-CV-5345 (AJN)

Dear Judge Nathan:

The undersigned firm represents plaintiffs CF 135 Flat LLC, CF 135 West Member LLC, and The Chetrit Group, LLC ("Plaintiffs") in the above-referenced action.

Plaintiffs originally commenced this interpleader action against the City of Almaty ("Almaty") and Triadou SPV S.A. ("Triadou"). Thereafter, Almaty and BTA Bank JSC ("BTA") asserted various counterclaims against Plaintiffs. However, in a Memorandum and Order dated March 18, 2016, this Court dismissed Plaintiffs' amended interpleader complaint, and by Order dated November 16, 2015, this Court dismissed Almaty/BTA's counterclaims against Plaintiffs. Accordingly, at present, Plaintiffs have no claims pending against any of the other parties to this action, and none of the other parties to this action have claims pending against Plaintiffs.<sup>1</sup>

Therefore, Plaintiffs respectfully request that the Court issue an Order dismissing Plaintiffs as parties to this action. We have conferred with counsel for each of the other parties to this action, and none object to this request.<sup>2</sup> Unfortunately, we have been unable to effectuate this dismissal by stipulation, as certain of the parties have failed to respond to a draft stipulation circulated by our firm. As such, Plaintiffs are now compelled to seek the Court's intervention.

<sup>1</sup> Almaty/BTA's newly filed Amended Counterclaims (ECF Doc. No. 219) do not assert claims against Plaintiffs.

<sup>2</sup> Triadou has consented to Plaintiffs' dismissal on condition that the undersigned firm accepts service of all third-party subpoenas to Plaintiffs in this action. To that end, following Plaintiffs' dismissal, Sukenik, Segal & Graff, P.C., located at 450 Seventh Avenue, 42nd Floor, New York, New York, agrees and shall be authorized to accept service of all legal process for Plaintiffs related to third-party discovery or witness testimony in this action.

Assuming that the Court will grant Plaintiffs' unopposed request to be dismissed, Plaintiffs further respectfully request that this action's caption be amended to read as follows (subject to further amendment if additional parties are joined hereafter):

UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
-----X	
CITY OF ALMATY, KAZAKHSTAN,	
and BTA BANK JSC,	
	15 Civ. 5345 (AJN) (SN)
Plaintiffs,	
-against-	
MUKHTAR ABLYAZOV, VIKTOR	
KHRAPUNOV, ILYAS KHRAPUNOV,	
and TRIADOU SPV S.A,	
Defendants.	
-----X	

In advance, we thank the Court for its attention to this matter.

Respectfully yours,

SUKENIK, SEGAL & GRAFF, P.C.

/s/DavidSalhanick  
David Salhanick, Esq.

DS/ms

Cc: All Counsel of Record (via ECF)


Plaintiffs' request is GRANTED to the extent that the Clerk of Court is respectfully directed to terminate CF 135 Flat LLC, CF 135 West Member LLC, the Chetrit Group LLC, Joseph Chetrit, and 227 East 19th Holder LLC as parties to this action.

To the extent that Plaintiffs request that the Court completely remove their names from the official case caption, such that there is no evidence that they ever appeared as parties, that request is DENIED. Such requests - particularly where the requesting parties have, like Plaintiffs, already filed documents that are linked to them via ECF - create significant administrative challenges and risk errors when the remaining parties in the case attempt to file documents on ECF.

Nevertheless, the Court does direct the Clerk of Court to change the "short caption" - i.e., the caption that appears at the top of the docket sheet - to "City of Almaty, Kazakhstan et al. v. Mukhtar Ablyazov et al." and ORDERS that the remaining parties shall label all future documents filed in this matter with caption proposed by Plaintiffs above.

SO ORDERED:

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9/9/16

  
HON. ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE